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REMARKS

This Amendment is responsive to the Office Action dated February 17, 2004. All rejections and objections of the Examiner are respectfully traversed. Reconsideration and further examination is respectfully requested.

In paragraphs 2-3 of the Office Action, the Examiner rejected claims 18-21, 24, 25, 28-31 and 34 under 35 U.S.C. 112 for being indefinite, stating that "since no function is specified by the word(s) preceding "means", it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph". Amendments to the preamble of claim 18 are respectfully believed to address any necessary requirements of the Examiner in this regard. Moreover, Applicants respectfully urge that 35 U.S.C. 112, sixth paragraph does not require any words preceding "means", as is evident from the multitude of issued patent claims without any such preceding words. In particular, Applicants note those "means" claims without such preceding words that have been allowed and issued subsequent to *Ex parte Khumb*. In fact, there is no particular language that must appear in a claim in order for it to fall within the scope of 35 U.S.C. 112, sixth paragraph. See *Greenberg v. Ethicon Endo - Surgery, Inc.*, 91 F.3d 1580, 1584, 39 USPQ2d 1783, 1786 - 87 (Fed. Cir. 1996).

With regard to the Examiner's rejection of claim 43 under 35 U.S.C. 112, first paragraph, Applicants respectfully direct the Examiner's attention to Fig. 7 and the accompanying description beginning at line 8 of page 23 in the Specification as filed. There the Examiner will find description of an example embodiment of a forwarding plane with reference to the illustrative forwarding plane 704 shown in Fig. 7. Applicants respectfully urge that these disclosures,

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together with the other sections of the Specification, taken as a whole, provide adequate enabling description for one skilled in the art to make and/or use the presently claimed invention.

At paragraphs 4-16 of the Office Action, the Examiner rejected claims 1-4, 6-14, 18-42 and 44, citing United States patent number 6,347,398 of Parthasarathy et al. ("Parthasarathy et al."). Applicants respectfully traverse this rejection.

Parthasarathy et al. disclose a system to automatically locate, download, verify, install, register and display computer software components from a computer network. The Parthasarathy et al. method provides dynamic or interactive multimedia components in HTML documents with HTML <OBJECT> tags. These HTML <OBJECT> tags contain parameters including uniform resource locators (URLs) which reference dynamic or interactive multimedia components on remote computers. Parthasarathy et al. teach that the computer software components obtained using this system can be used to provide a variety of new multimedia functionality to an application program which is stored on remote computers.

Nowhere in Parthasarathy et al. is there disclosed or suggested any system or method for performing a service on a network device, which operates by:

installing the service on the network device from another location, the service having a corresponding set of service relationships;  
*checking the service relationships of the loaded service against a stored service registry, wherein the checking the service relationships of the loaded service includes determining whether all other services the loaded service depends on are available; and*  
causing the service to be executed on the network device *only if the services the loaded service depends on are available.*

As in the present independent claim 1 (independent claims 18, 35 and 44 include analogous features). Parthasarathy et al. disclose a system that includes a registry database used to "keep track of which software components are installed on the local computer 34". See line

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47 of column 9 in Parthasarathy et al. However, the registry database of Parthasarathy et al. is used to determine whether a software component is loaded locally for purposes of determining *whether that component needs to be downloaded from a remote computer using the Parthasarathy et al. system.* In this regard, Parthasarathy et al. disclose beginning at line 42 in column 13 as follows:

If the desired software component is registered and installed on the local computer, and if the version number is correct, then the desired software component is obtained from the local computer 36. If the desired software component is not registered and installed on the local computer, or if the version number is incorrect, then the desired software component is obtained from the remote computer 44.

Thus the registry database of Parthasarathy et al. is used *only with regard to checking for the presence or absence of the software component that is to be downloaded.* Parthasarathy et al. includes no hint or suggestion of even the desirability of providing any system for checking a registry for the presence or absence of software components that are depended on by the software component that itself is downloaded, as in the present independent claims 1, 18, 35 and 44.

For the above reasons, Applicants respectfully urge that Parthasarathy et al. does not disclose or suggest all the features of the present independent claims 1, 18, 35 and 44. Accordingly, Parthasarathy et al. does not anticipate the present independent claims 1, 18, 35 and 44 under 35 U.S.C. 102. As to claims 2-4, 6-14 and 19-42, they each depend from claims 1, 18 and 35, and are believed to be patentable over Parthasarathy et al. for at least the same reasons.

At paragraphs 17-21, the Examiner rejected claims 5, 15-17 and 43 for obviousness under 35 U.S.C. 103, again citing Parthasarathy et al., and additionally citing United States patent number 5,954,797 of Sidey ("Sidey"). Applicants respectfully traverse this rejection.

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Sidey discloses a network management system for maintaining compatibility among network nodes that operates using a polling circuit that retrieves node configuration information from the plurality of nodes, and a comparison circuit that compares selected node configuration information associated with a first selected one of the plurality of nodes with known-good node configuration information to determine a level of compatibility of the selected node with the known-good node configuration. The relevant disclosure of Parthasarathy et al. is discussed above with respect to the rejection under 35 U.S.C. 102.

Nowhere in the combination of Parthasarathy et al. with Sidey is there disclosed or suggested any system or method for performing a service on a network device, which operates by:

installing the service on the network device from another location, the service having a corresponding set of service relationships;  
*checking the service relationships of the loaded service against a stored service registry, wherein the checking the service relationships of the loaded service includes determining whether all other services the loaded service depends on are available, and causing the service to be executed on the network device only if the services the loaded service depends on are available.*

As in the present independent claims 1, from which claims 5 and 15-17 depend, and 43. While Sidey disclosed that a managed node may be a router, like Parthasarathy et al., Sidey includes no hint or suggestion of even the desirability of providing any system for checking a registry for the presence or absence of software components that are depended on by the software component that itself is downloaded, as in the present independent claims 1 and 43.

For the above reasons, Applicants respectfully urge that the combination of Parthasarathy et al. and Sidey does not disclose or suggest all the features of the present independent claims 1, from which claims 5 and 15-17 depend, and 43. Accordingly, the combination of Parthasarathy et al. and Sidey does not support a *prima facie* case of obviousness under 35 U.S.C. 103 with

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regard to the present independent claims 1 and 43, and dependent claims 5 and 15-17 are believed to be patentable over the combination of Parthasarathy et al. and Sidey for at least the same reasons. Reconsideration of all pending claims is respectfully requested.

In view of the above, Applicants respectfully request that all rejections and objection of the Examiner be withdrawn. All claims are believed to be allowable, and the application is believed to be in condition for allowance. Favorable action is respectfully requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone David A. Dagg, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

July 26 2004  
Date

  
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